COPPERHEAD CHEMICAL COMPANY®

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February 6, 2020

Stephen Forostiak (3ED22)
US Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. §6927(a), Regarding Generation and Management of Hazardous Waste by Copperhead Chemical Company
EPA ID No. PAR000030874
Reference Number: C20-07

Dear Mr. Forostiak,

The following is in response to your request for additional information that was received by Copperhead Chemical Company on January 8, 2020. The letter is formatted so that the EPA finding/requested information is listed in bold text followed by the facility response in italicized text.

During the July 2019 CEI, the EPA inspector observed a tank, according to the Facility, is used to accumulate waste acetone generated from a distillation process inside Building 2016. Please refer to page 9 of the CEI and photograph 22 included in the Photographic Log as Attachment 1. Please provide the following information regarding the tank:

a. State the capacity (m^3) of the tank.

b. Please state the tank's date of installation.

c. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10 *(i.e.,* installed before January 16, 1993), has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.

d. If it is a "new tank system" as defined in 40 C.F.R. § 260.10 *(i.e.,* installed on or after January 16, 1993), has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.

e. State whether a "waste determination" for the volatile organic concentration in parts per million by weight of each waste stream at its point of waste origination entering the tank has been made in accordance with 40 C.F.R. § 265.1084.

f. If a determination for the volatile organic concentration of each solvent waste stream has been made in accordance with 40 C.F.R. § 265.1084 at its point of waste origination, please state when each such determination was made and whether the organic concentration determination was based on analytical results or on the generator's knowledge of the waste or the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If any such determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.

g. Is the tank equipped with emission controls in accordance with 40 C.F.R. § 265.1083 for this tank? If so please describe in detail what controls are implemented for the tank, and the date the control(s) was implemented. If the facility has not implemented controls for the tank, please state why.

This tank (T-303) has a capacity of 1600 gallons and was installed in 1993. As to whether the tank is "new" or "existing" under 260.10, these definitions both apply to tank systems that are used for the storage or treatment of hazardous waste. The tank at issue is a manufacturing process tank under 40 C.F.R. § 261.4(c) to which the questions at (c) –(g) are not applicable. Hazardous waste that is generated in a manufacturing process unit is not subject to Part 264/265 until it exits the unit in which it was generated. In guidance memoranda, EPA takes the position that the point of hazardous waste generation could be the manufacturing process unit itself and that EPA did not intend to regulate such units under, inter alia, Part 264/265. See e.g., US EPA Memo, Cotsworth to Pavlou; May 26, 2000. Likewise, the preamble for the regulation makes it clear that 40 CFR Parts 262 – 265 do not apply until the hazardous waste "is removed from the unit in which it was generated . . . ." 45 FR 72024. As EPA noted these process units only incidentally hold hazardous wastes. Hazardous wastes only "reside in these process units for some period of time—sometimes only minutes, other times for hours or days—and," without an exemption, the regulations would cause these units to be hazardous waste storage facilities, which was not EPA's intent. Accordingly, hazardous waste generated in such a unit should only be subject to regulation when it is removed from the unit. Id. at 72025. T-303 is part of an acetone recovery process at the Pharmaceutical Blending Facility, Building 2016. The pharmaceutical process is run in campaigns (batches). During a campaign, acetone condenses and is collected in the tank you identified in Photo 22. At the end of a campaign, the condensed acetone is drained from T-303 to 55-gallon drums to prepare for the next campaign. Although the condensed acetone is reusable, it is usually not. Drums are the only waste storage containers used in this process. The tank is part of the acetone recovery process that is regulated by the facility's state-only operating permit that was issued by the PADEP Air Quality Program. The outdated waste label on T-303 was recently removed as the tank is not used to store any waste material.

2. During the CEI, the inspector observed piping and equipment leading to and from the tank. Please refer to page 9 of the CEI and photographs 23 to 27 included in the Photographic Log as Attachment 1. Please provide the following information regarding the piping and associated equipment.

a. A detailed schematic of the waste handling systems, including sources, equipment, piping, transfer mechanisms, and all tanks and containers involved in temporary or final collection/management of acetone waste.

b. A detailed description of all equipment included in the waste handling system, including all pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges or other connectors, closed-vent systems and control devices, as these terms may be defined in 40 C.F.R. § 264.1031.

c. State whether or not the Facility has conducted an analysis to determine applicability of the Subpart BB regulations to this equipment, as described in 40 C.F.R. §265.l063(d) and § 265. 13(b).

d. If an applicability determination, as described in 40 C.F.R. § 265.1063(d) and § 265.l3(b), has been made for this equipment, state when such a determination(s) was made and the results of such determination(s). Please provide a copy of any and all documentation used to support such a determination.

e. Please state, for all the waste accumulated in the tank at the Facility up to the present time, whether or not any was reclaimed, recycled or reused after such generation. Provide a copy of any and all documentation substantiating such claims of reclamation, recycling, or reuse.

f. Provide information/documentation that demonstrates whether or not those pieces of equipment listed in response to Question 2.b. above are or are not exempt from the air emission standards for equipment leaks as specified in 40 C.F.R. § 265.1050.

g. If the Facility has determined that any piece of equipment is exempt, please provide the waste analysis plan, as specified in 40 C.F.R. § 265. 1063(d), along with either the sample results or process knowledge documentation upon which the exemption is based.

h. State whether or not each piece of equipment has been marked in such a manner that it can be distinguished readily from other pieces of equipment in accordance with 40 C.F.R. § 265.l050(c), regardless of whether the Facility is claiming an exemption for any piece of such equipment.

i. Please state whether or not any or all of the equipment is "in light liquid service" or "in heavy liquid service," as defined in 40 C.F.R. § 264.1031. If so, please specify which pieces of equipment are in light liquid service or in heavy liquid service.

j. Please state whether or not each piece of equipment has been inspected and monitored under a leak detection and repair ("LDAR") program for the time period of January 1,2016 up to receipt of this letter.

k. Please identify each piece of equipment which has been inspected and monitored under an LDAR program and provide the time period for which each such piece of equipment has been part of an LDAR program.

l. Please submit the Facility's inspection and monitoring schedule for each piece of equipment covered by an LDAR program detailing how often each piece of equipment is visually inspected and/or monitored with an instrument.

m. Please submit any and all LDAR program inspection and monitoring records/documentation for each piece of equipment for the time period of January 1, 2016 up to receipt of this letter.

n. Has the Facility maintained those records required under 40 C.F.R. §§ 265.l064(b)(1), 265.1064(g) and 265.l064(h)? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. §§ 265.l064(b)(1), 265.1064(g) and 265.1064(h) from the August 17, 2016 EPA CEI up to the present.

As discussed in the response to finding one above, T-303 and associated piping are part of a recovery process that transports and collects condensed acetone and therefore the questions at (b) through (n) are not applicable. The tank and piping are not subject to Subpart BB regulations under the federal RCRA hazardous waste program.

3. Based on information provided by the Facility during and subsequent to the CEI, the Waste Acid Scale House receives waste acid from Building 582. The waste is generated from the separation tank inside Building 582. The waste acid is gravity fed to the Waste Acid Scale House where it is collected into a 904 gallon tank. The waste acid is weighed and treated with sulfuric acid, if necessary, to neutralize its reactivity characteristic (D003). From this tank the waste acid is piped to the hazardous waste acid tank. Regarding the 904 gallon tank inside the Waste Acid Scale House, please provide the following:

a. Its date of installation.

b. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10, has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.

c. If it is a "new tank system" as defined in 40 C.F.R. § 260.10, has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.

d. Please state whether or not the facility has provided methods for secondary containment and release detection for the tank in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method. the tank labeled or marked as Hazardous Waste?

f. State whether or not the Facility conducts inspections of the tank. If inspections are conducted, please indicate:

I. How often the inspections are conducted.
II. List the persons performing the inspections and job titles.
III. Provide copies from 2015 to the date of this letter of hazardous waste training the persons performing the inspections receive.
IV. Provide inspection records for the tank from January 1, 2016 to the date you receive this letter.
V. For the dates where no inspection record was provided in your response to Question 3.f, please state whether or not an inspection was completed.

Scale Tank T-705 was installed around 1987. As to whether Scale Tank T-705 is "new" or "existing" under 260.10, these definitions both apply to tank systems that are used for the storage or treatment of hazardous waste. Scale Tank T-705 is a manufacturing process tank under 40 C.F.R. § 261.4(c) to which the questions at (b) –(f) are not applicable. Specifically, Scale Tank T-705 is a process tank that collects separated acid from the nitrating process. This acid is directed into the tank where the material is weighed and evaluated for nitrate ester content. Further processing may be warranted to remove excess nitrate ester. The remaining separated acid is transferred down the hill to the waste acid storage tank. Once in the storage tank at the bottom of the hill, the material is deemed a hazardous waste and is slated for disposal.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

KAIYA CAMPBELL
NAME (print or type)

SHE SUPERVISOR
Title

SIGNATURE

2/5/2020
DATE